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12 ROBERT HUNTER BIDEN

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16 ROBERT HUNTER BIDEN, an
17 individual,

18 Plaintiff,

19 vs.

20 PATRICK M. BYRNE, an individual,

21 Defendant.

Case No. 2:23-cv-09430-SVW-PD

Hon. Stephen V. Wilson

**PLAINTIFF ROBERT HUNTER
BIDEN'S OPPOSITION TO PRO SE
PETITIONERS' MOTION FOR
STAY OF PROCEEDINGS
PENDING APPEAL TO U.S.
SUPREME COURT**

22 Date: November 10, 2025

23 Time: 1:30 P.M.

24 Place: Courtroom 10A

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 After months of delay and multiple pretrial conferences, jury selection and trial
3 of this case was set to begin on July 29, 2025. Prospective jurors were summoned;
4 exhibits and transcripts filling many boxes were printed and brought to the courtroom.
5 The presiding judge and chambers and courtroom staff were present in the courtroom.
6 Plaintiff Robert Hunter Biden and his lawyers were present in the courtroom. But
7 Defendant Patrick M. Byrne and his counsel since nearly the commencement of this
8 action, Michael Murphy, were not present. Neither was Peter Ticktin, whose *pro hac*
9 *vice* application had been approved the previous week. Stefanie Lambert was present
10 and attempted to appear for Defendant, filing a motion for admission *pro hac vice* that
11 morning, but her motion was denied because of numerous incidents of recent and severe
12 misconduct. ECF No. 295. Mr. Ticktin's *pro hac vice* admission was reconsidered and
13 denied based on his "history of discarding his ethical obligations in the name of
14 pursuing political objectives" and his failure to appear for trial. ECF No. 310.
15 Defendant then terminated all his lawyers, disobeyed repeated orders to retain new
16 counsel and to appear personally before the Court, and as a result was placed in default.
17 ECF Nos. 343 & 344.

18 Having been placed in default, Defendant now wishes to move to stay all
19 proceedings in this case. Unable to file a motion on behalf of Defendant because they
20 are not admitted to practice before this Court, Petitioners Peter Ticktin and Stefanie
21 Lambert instead have filed a motion as "pro se" petitioners with a declaration from
22 Defendant requesting the Court stay all proceedings in this case. ECF No. 347-1 ¶ 12.
23 Plaintiff respectfully submits two points in opposition to this motion.

24 *First*, to facilitate Defendant's continued defiance of the Court's orders to appear
25 personally or through counsel, Petitioners have filed a motion so procedurally defective
26 that it calls into question their fitness to practice law. Petitioners apparently forgot to
27 sign their motion. They only signed the certificate of conferral and the certificate of
28 service. Petitioners claim the motion is filed "pursuant to Federal Rules of Civil

1 Procedure Rule 8,” but Rule 8 concerns the general of pleading, not motion practice.
2 Petitioners’ statement that they “noticed their Notice of Appeal to the U.S. Supreme
3 Court in the U.S. District Court for the Ninth Circuit” [sic] is bizarre. One does not
4 notice an appeal to the Supreme Court. The Supreme Court’s appellate jurisdiction is
5 purely discretionary, exercised upon a granted petition for a writ from the Supreme
6 Court, not a notice filed in a lower court.¹ Regardless, a motion for a stay pending an
7 appeal must first be made in the district court. Fed. R. App. P. 8(a)(1). But to do that
8 someone would have to appear in the district court on behalf of the party seeking a stay.
9 Defendant however decided not to appear in this court to seek a stay before moving for
10 a stay in the Ninth Circuit, because there would then be a lawyer to accept service of
11 discovery requests and other process on his behalf. His motion to stay in the Ninth
12 Circuit was defective for this reason, and his second motion to stay pending his “appeal”
13 to the Supreme Court was denied and he was denied permission to make any other
14 filings in this matter in the Ninth Circuit. *In re Attorneys Peter Ticktin and Stefanie*
15 *Lambert*, Case No. 25-5811, Dkt. Entry 8.1 (Oct. 2, 2025). If Petitioners ever actually
16 file a petition for certiorari, any request for a stay likewise will be denied because
17 Defendant never moved for a stay before this Court. Sup. Ct. R. 23(3).

18 Perhaps recognizing this, Defendant wants to move this Court for a stay but
19 cannot do so without obeying the Court’s order to appear before the Court either in
20 person or through counsel admitted in California. Defendant however has made plain
21 his resolve to flout the Court’s orders for him to appear, which is the reason he is in
22 default, so he instead has Petitioners file a motion to stay on his behalf as “pro se”
23 litigants rather than as his attorneys. Plaintiff respectfully submits the fitness to practice
24 of any attorney willing to do so is questionable. Petitioners cannot move to stay a case
25 to which they are not a party, do not represent a party, and are not the subject of any

26 _____
27 ¹ The only remaining appeal of right to the U.S. Supreme Court is an appeal from an
28 order granting or denying injunctive relief in a case required by law to be heard in the
district court by a three-judge panel. 28 U.S.C. § 1253. The only remaining three-judge
district court cases are certain legislative apportionment cases.

1 process like a subpoena.

2 There are over 190,000 attorneys in active status with the California bar.
3 <https://www.calbar.ca.gov/About-Us/Who-We-Are/Historic-Demographics>. It is
4 inconceivable that none are available to be retained by Defendant. But if that is indeed
5 the case, Defendant may appear and proceed pro se. There is no right to be represented
6 by a person not admitted to practice before the tribunal in which the case is pending.
7 The Court, not Defendant and not state bar of Florida or Michigan, maintains the roll of
8 attorneys admitted to practice before it.

9 *Second*, Mr. Ticktin and Ms. Lambert's repeated *ad hominem* attacks on Carmen
10 Selame, an associate of Defendant's former counsel, Mr. Murphy, are reprehensible and
11 would be sufficient cause to revoke *pro hac vice* admission had it been granted. This
12 sort of attack is another example of conduct that calls into question Mr. Ticktin's and
13 Ms. Lambert's fitness to practice law.

14 Defendant's previous counsel presumably was not prepared to present his video
15 deposition at trial because Defendant had forever insisted that he would attend trial in
16 person. Defendant made a last-minute strategic decision not to attend trial because he
17 realized he would be questioned about his finances. Defendant has stated publicly that
18 he keeps his assets in untraceable overseas assets "scattered in other locations that are
19 even more outside the reach of the Deep State" than a Swiss bank account. Patrick M.
20 Byrne, *A Message to My Former Colleagues at Overstock*,
21 [https://www.deepcapture.com/2019/09/a-message-to-my-former-colleagues-at-](https://www.deepcapture.com/2019/09/a-message-to-my-former-colleagues-at-overstock/)
22 [overstock/](https://www.deepcapture.com/2019/09/a-message-to-my-former-colleagues-at-overstock/). By "the Deep State," Defendant apparently means the Internal Revenue
23 Service (IRS), which is the government agency most concerned with where Defendant
24 makes and keeps his money. The real risk to Defendant from discovery into his
25 financial condition is not that such discovery might result in a judgment against him in
26 this case larger than it otherwise would be—any judgment in this case will be small
27 change to a billionaire like Defendant. The real risk is that discovery would expose his
28 failure to report overseas income and assets to the IRS as required by law. The

1 consequences of intentionally concealing hundreds of millions of dollars of income and
2 assets from the IRS are severe and life-changing for anyone, even a billionaire.

3 This is the apparent reason Defendant is now defaming his former attorney's
4 innocent associate—to conceal that real reason he fired his attorneys and defaulted in
5 this action is tax evasion. Petitioners assert Ms. Selame wore "muddy tennis shoes" to
6 court, that she had "cat hair on her pantsuit," had some sort of "Free Palestine" pin on
7 her jacket, and she appeared to "possibly cross the line into deliberate sabotage" by not
8 taking the case seriously. ECF No. 347 ¶ 11. Defendant made similar allegations
9 regarding tennis shoes and a Palestinian pin in his declaration regarding a motion for
10 Mr. Ticktin's admission pro hac vice. ECF No. 297-1 ¶ 12. Plaintiff's counsel never
11 witnessed any inappropriate conduct or political messaging from Ms. Selame. Her
12 appearance and conduct were always entirely professional. Defendant, according to
13 Petitioners, never even met her. Mr. Ticktin never met her. Yet Mr. Ticktin filed a
14 declaration signed by Defendant stating that her appearance was unprofessional. Mr.
15 Ticktin repeated this defamation in the Ninth Circuit mandamus petition, *In re Attorneys*
16 *Peter Ticktin and Stefanie Lambert*, Case No. 25-5811, Dkt. Entry 2.1 at 13 (Sept. 15,
17 2025), and again in their most recent frivolous filing, ECF No. 347.

18 Mr. Ticktin's and Ms. Lambert's allegations about Ms. Selame are racist.
19 "Selame" is surname of Lebanese origin, most closely identified with members of the
20 Maronite Church, which is in communion with the Catholic Church. Ms. Selame
21 attended Loyola Law School, which is part of a Jesuit university. Her law firm website
22 biography states that she is learning Arabic in her spare time. Plaintiff does not know
23 or speculate about Ms. Selame's actual ethnic or religious origins. The point is that
24 Defendant, through his disgraced want-to-be counsel, is continuing the same racist
25 defamation for which he was sanctioned in Canada.

26 In 2011, Defendant became angry with Canadian businessman Altaf Nazerali
27 because he believed Mr. Nazerali was short-selling stocks. Because Mr. Nazerali, a
28 man of Indian ethnicity born in Kenya, has a Middle Eastern-sounding name, Defendant

1 published articles declaring that Mr. Nazerali was an arms dealer and financier for
2 Osama Bin Laden and Al-Qaeda, with close links to Saudi Arabian and Pakistani
3 intelligence agencies. The Supreme Court of British Columbia held that Defendant and
4 his associates “engaged in a calculated and ruthless campaign to inflict as much damage
5 on Nazerali’s reputation as they could achieve. It is clear on the evidence that their
6 intention was to conduct a vendetta in which the truth about Nazerali himself was of no
7 consequence.” 5/6/16 *Nazerali v. Mitchell*, No. S116979, 2016 BCSC 810, Correct
8 Judgment (Sup. Ct. of British Columbia). Mr. Nazerali was awarded over \$1 million in
9 damages for defamation, including punitive and aggravated damages.

10 Ms. Selame likewise has a Middle Eastern name, so Defendant defames her too,
11 again to advance his own pecuniary interests in a calculated and ruthless fashion. She
12 is a young lawyer who graduated law school in 2020. This is, presumably, the highest
13 profile case of her career to date. The repeated racist and personal attacks by her former
14 client and his confederates Mr. Ticktin and Ms. Lambert are defamation *per se* because
15 they state she is unfit for her profession. Cal. Civ. Code § 46. Petitioners’ defamation
16 of Ms. Selame is not privileged because Petitioners are not parties to this action and are
17 not attorneys authorized to practice before this Court. *See Silberg v. Anderson*, 786
18 P.2d 365, 369 (Cal. 1990) (holding the litigation privilege to defamation “applies to any
19 communication (1) made in judicial or quasi-judicial proceedings; (2) by *litigants or*
20 *other participants authorized by law*; (3) to achieve the objects of the litigation; and (4)
21 that ha[s] some connection or logical relation to the action” (emphasis added)).

22 Mr. Ticktin and Ms. Lambert have intentionally engaged in racist and actionable
23 defamation of an innocent young lawyer through frivolous filings to achieve an
24 illegitimate purpose. Plaintiff therefore respectfully requests the Court refer Mr.
25 Ticktin’s conduct to the Florida Bar’s Division of Lawyer Regulation. Mr. Ticktin has
26 been there before.² *Fla. Bar v. Ticktin*, No. SC07-369 (Fla. May 21, 2009).

27
28 ² Ms. Lambert is under felony indictment in Michigan, so it unlikely a referral to the
Michigan Attorney Discipline Board would matter to her.

1 Dated: October 18, 2025

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2 By: /s/ Phillip D. Barber

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